

# THE BERKMAN LAW OFFICE, LLC

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October 16, 2022

**BY ECF**

Hon. Taryn A. Merkl  
United States Magistrate Judge  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Kumer, et al. v. Hezbollah*  
Case no. 18-cv-07449(CBA)(tam)

Dear Judge Merkl:

We respectfully submit this Status Report on behalf of the plaintiffs, pursuant to the Court's electronic Order of October 4, 2022.

As referenced in the Court's Order, on October 3, 2022, Judge Cogan directed entry of final judgment against Hezbollah on behalf of most of the plaintiffs herein, in the parallel action of *Kaplan v. Hezbollah*, 19-cv-3187 (E.D.N.Y.). A final judgment was entered in *Kaplan* on October 6, 2022. (*Id.* at DE 118).

The judgment in *Kaplan* renders the instant action duplicative and superfluous for most—but not all—of the plaintiffs here. Three plaintiffs in this case were not plaintiffs in *Kaplan*, and seek to pursue their action here against Hezbollah.

Accordingly, and unless the Court directs otherwise, plaintiffs' counsel intends to file on or before November 1, 2022 (1) an amended complaint dropping the plaintiffs whose claims were disposed of in *Kaplan*, and (2) a motion for leave to serve Hezbollah with the amended complaint by alternate means, pursuant to Fed. R. Civ. P. 4(f)(3).

We thank the Court for its consideration.

Respectfully,

  
Robert J. Tolchin